

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

IN RE:  
WILLIAM & SHERRY L KNIGHT  
DEBTORS

CHAPTER 13 PROCEEDING:  
16-20518-C-13

**MOTION TO DISMISS OR CONVERT**

A HEARING WILL BE CONDUCTED ON THIS MATTER ON **April 19, 2017 AT 9:00 am** IN U.S. BANKRUPTCY COURT LOCATED AT:

US Bankruptcy Court, 1133 N. Shoreline Blvd., 2nd Floor, Corpus Christi, TX 78401

IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY ONE DAYS (21) AS FOLLOWS: 1. FILE A RESPONSE WITHIN TWENTY ONE DAYS THAT SHOWS THAT THE ABOVE-CITED DEFICIENCY HAS BEEN CURED, OR 2. FILE A RESPONSE WITHIN TWENTY ONE (21) DAYS THAT SHOWS THAT THE COURT SHOULD ALLOW YOU ADDITIONAL TIME TO CURE THE ABOVE-CITED DEFICIENCY. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND DISMISS OR CONVERT YOUR CASE. IF THE DEFICIENCY IS FOR FAILURE TO FILE TAX RETURNS AND THE CASE IS DISMISSED, YOU WILL NOT BE ALLOWED TO FILE ANOTHER BANKRUPTCY CASE UNTIL ALL OF YOUR RETURNS ARE FILED. IF YOU ARE PROPOSING TO MODIFY THE PLAN TO CURE DEFICIENCIES, YOU MUST MAKE A PLAN PAYMENT IN THE NEW AMOUNT BEFORE THE HEARING OR YOUR CASE MAY BE DISMISSED.

COMES NOW Cindy Boudloche, Trustee, and moves the Court for an Order dismissing the Debtors' case as follows:

1. The Chapter 13 plan does not provide for the claims of the secured and priority creditors in full within the terms of the plan and specifically the plan is deficient due to:
  - a) An unscheduled secured and/or priority claim was filed or a claim was filed for an amount greater than provided in the plan.
2. Debtors have caused unreasonable delay that is prejudicial to creditors (11 U.S.C. Sec 1307 (c)(1)) and specifically, Debtors have failed to:

- a) Timely file necessary amendments to his/her Chapter 13 Plan, schedules or statement of Financial Affairs as follows:
- Schedule A;
  - Schedule B;
  - Schedule C;
  - Schedule E;
  - Schedule F;
  - Chapter 13 Plan;
- b) File and/or provide a copy to the Trustee of federal income tax returns or affidavit stating that Debtors are not required to file tax returns;
- c) Provide the Trustee with a business budget, monthly operating reports and/or Sworn Testimony relative to the operation of the Debtor's business;

WHEREFORE the Trustee prays that the case be dismissed or converted to Chapter 7, whichever shall be determined in the best interest of creditors.

Dated: March 15, 2017

Respectfully Submitted:

/s/ Cindy Boudloche

CINDY BOUDLOCHE, Trustee  
555 N. Carancahua Ste 600  
Corpus Christi, TX 78401-0823  
(361) 883-5786 phone  
(361) 888-4126 fax

#### **CERTIFICATE OF SERVICE**

I Certify that on or about March 15, 2017, a copy of the foregoing pleading was served electronically on all parties requesting electronic notice or by United States Mail to the Debtors, Debtors' Counsel and all parties listed below:

/s/ Cindy Boudloche

Cindy Boudloche, Trustee

WILLIAM L KNIGHT  
SHERRY L KNIGHT  
PO BOX 1323  
ROCKPORT, TX 78381

CASE NO: 16-20518-C-13

WILLIAM & SHERRY L KNIGHT

**Parties Requesting 2002 Notice**

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